

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JERRY WARD-O'NEILL,
Petitioner,

v.

CIVIL NO: 04-2103 (DRD)
CRIMINAL NO: 98-304 (DRD)

UNITED STATES OF AMERICA,
Respondent.

MOTION	ORDER
<p>Date Filed: 10/24/05</p> <p><u>Docket # 7</u></p> <p>Title: Petition for Certificate of Appealability</p>	<p>DENIED. Petitioner requests that a Certificate of Appealability be granted from the denial of his Section 2255 motion pursuant to our Opinion and Order issued on September 29, 2005, and corresponding Judgment entered on the same date (Docket Nos. 5 & 6). A Certificate of Appealability may be issued only if an applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. §2253(c)(2); <u>Barefoot v. Estelle</u>, 463 U.S. 880 (1983). This standard is met when a petitioner demonstrates that the issues involved in the petition are debatable amongst jurists of reason, that the court could resolve the issues in a different manner, or that questions are adequate to deserve encouragement to proceed further. <u>Barefoot</u>, 463 U.S. at 3394 n.4; <u>Slack v. McDaniel</u>, 529 U.S. 473 (2000).</p> <p>Given our discussion of facts of this case in our Opinion and Order (Docket No. 6), we do not believe that the issues involved in this petition are debatable amongst jurists of reason, that the court could resolve the issues on a different manner, or that the questions are adequate to deserve encouragement to proceed further. Accordingly, the Court DENIES Petitioner's request for a Certificate of Appealability.</p>

IT IS SO ORDERED.

In San Juan, Puerto Rico this 21st day of April of 2006.

s/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE